

US EPA ARCHIVE DOCUMENT

Emergency Planning and Community Right-to-Know Act (EPCRA)



History

- 1984 - Methyl isocyanate release at Union Carbide in Bhopal, India - 2,000 immediate fatalities



- 1985 – Aldicarb oxime release at Union Carbide facility in Institute, West Virginia - 100 people hospitalized



Emergency Planning and Community Right-To-Know Act

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (1980) – aka Superfund
- Superfund Amendments and Reauthorization Act (SARA) (1986)
- **SARA Title III – (EPCRA) (1986)**
 - **“Establishes requirements for governments, Indian Tribes and industry regarding emergency planning and ‘community right to know’ reporting on hazardous and toxic chemicals”**



EPRCA Benefits

- States and communities use the information to
 - Improve chemical safety
 - Protect public health
 - Protect the environment
- Increase the public's knowledge and access to information on chemicals
 - At individual sites
 - Uses
 - Releases into the environment



EPCRA



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graph TD; EPCRA[EPCRA] --> SubtitleA[Subtitle A  
Emergency Planning  
and Notification]; EPCRA --> SubtitleB[Subtitle B  
Reporting]; EPCRA --> SubtitleC[Subtitle C  
General Provisions]; SubtitleA --> GA[Governmental Authorities  
[Section 301, 303]]; SubtitleA --> EPN[Emergency Planning  
Notification  
[Section 302]]; SubtitleA --> FECI[Facility Emergency  
Coordinator Identification  
[Section 303]]; SubtitleA --> ERN[Emergency Release  
Notification  
[Section 304]]; SubtitleB --> MSDS[MSDS Submission  
[Section 311]]; SubtitleB --> EHCI[Emergency and  
Hazardous Chemical  
Inventory  
[Section 312]]; SubtitleB --> TCRI[Toxic Chemical  
Release Inventory  
[Section 313]]; SubtitleC --> TS[Trade Secrets  
[Section 322]]; SubtitleC --> PA[Public Availability  
[Section 324]]; SubtitleC --> E[Enforcement  
[Section 325]]; SubtitleC --> CS[Citizen Suits  
[Section 326]];
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Subtitle A Emergency Planning and Notification

Governmental Authorities
[Section 301, 303]

Emergency Planning
Notification
[Section 302]

Facility Emergency
Coordinator Identification
[Section 303]

Emergency Release
Notification
[Section 304]

Subtitle B Reporting

MSDS Submission
[Section 311]

Emergency and
Hazardous Chemical
Inventory
[Section 312]

Toxic Chemical
Release Inventory
[Section 313]

Subtitle C General Provisions

Trade Secrets
[Section 322]

Public Availability
[Section 324]

Enforcement
[Section 325]

Citizen Suits
[Section 326]



Emergency Planning (301-303)

- Local Emergency Planning Committee (LEPC)
- State Emergency Response Commission (SERC)
- Emergency Response Plans:
 - Emergency response procedures
 - Community and facility coordinator
 - Emergency notification procedures
 - Local emergency equipment and facilities
 - Evacuation plans



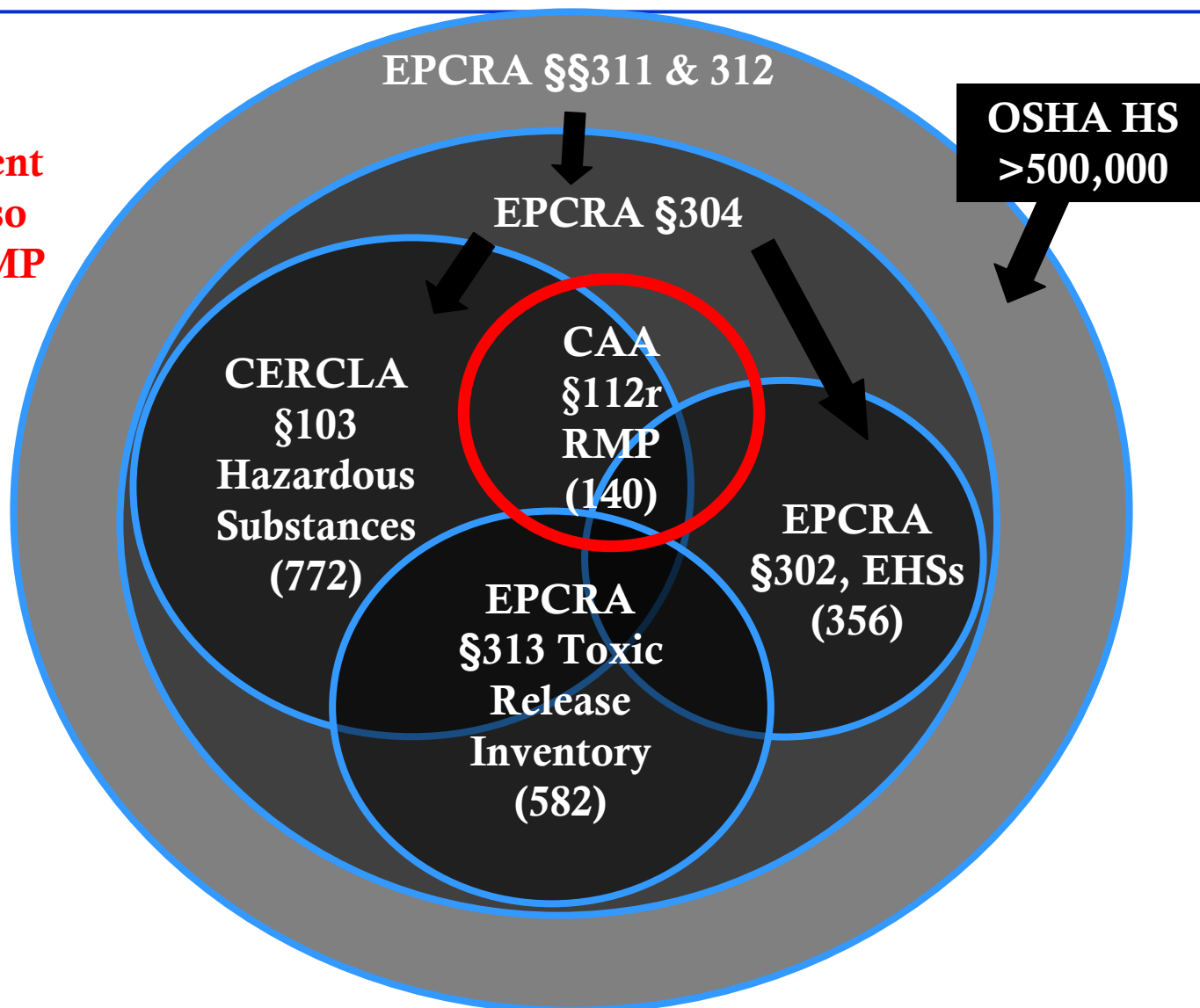
Emergency Planning (301-303) cont'd

- Planning activities initially focused on 356 extremely hazardous substances (EHS)
 - Includes threshold planning quantities for each substance
- Notification to the SERC and LEPC within 60 days of shipment



What chemicals are regulated under EPCRA?

**Region 4
EPCRA
Enforcement
Section also
has the RMP
Program**



Emergency Release Notification (304)

- EHS only:
 - Notify SERC, LEPC
 - Within 15 minutes
- CERCLA Hazardous Substance:
 - Notify SERC, LEPC & National Response Center (NRC)
 - Within 15 minutes



Emergency Release Notification (304) cont'd

Telephonic emergency notification should include

- EHS/non-EHS
- Estimate of quantity released
- Time and duration of release
- Media into where the release occurred
- Known or anticipated acute chronic health risks associated with the emergency
- Proper precautions
- Name and telephone of contact person



Emergency Release Notification (304) cont'd

- Written follow-up notice
 - To the SERC and LEPC
 - Within 7 calendar days
 - Information to include:
 - Initial notice
 - Information on actual response actions taken
 - Advice regarding medical attention



Hazardous Chemical Storage Reporting (311-312)

- **311**- Material Safety Data Sheets (MSDSs) or list of chemicals and hazards for chemicals above threshold
 - EHS – 500 lbs
 - Non EHS – 10,000 lbs
- Submitted to
 - SERC
 - LEPC
 - Local fire department



Hazardous Chemical Storage Reporting (311-312), cont'd

- **312** –Hazardous chemical inventory form (Tier II reports)
 - Chemical name
 - Maximum amount of chemical present at any time during calendar year
 - Manner of storage
 - Location of chemical
- Submitted to SERC, LEPC and local fire department
- Due annually March 1



Toxics Release Inventory (313)

- Annual reporting of toxic chemical releases and waste management activities
- Form R/Form A
- Due annually July 1
- Submitted for specified chemicals over reporting thresholds
 - Manufactured – 25,000 lbs
 - Processed – 25,000 lbs
 - Otherwise use – 10,000 lbs



Toxics Release Inventory (313) cont'd

- Manufacture, process or otherwise use above thresholds
- 10 or more full-time employees
- Sectors:
 - Manufacturing
 - Metal mining
 - Coal mining
 - Electrical utilities that combust coal and/or oil
 - RCRA facility
 - Chemical and allied products wholesale distributor
 - Petroleum bulk plants and terminals
 - Solvent recovery services



Penalties for Noncompliance

- Published in Federal Register
- Updated December 11, 2008 FR
- Maximum penalties of \$112,500 per day
- Effective January 12, 2009



Self Disclosures

- Twenty-one (21) days from the time of discovery to disclose in writing the violation to EPA
- Include means of discovery, type of violation, and facility location
- Region 4 Contact – Kelly Sisaro
 - sisario.kelly@epa.gov
U.S. EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303
Fax: 404-562-9598



Emergency Response Information System (E-Plan)

- Features
 - Contains facility data from Tier II and Risk Management Plan (RMPs)
 - Geographic searches for facilities
- Benefits
 - Facility info available REAL TIME, 24/7
 - LEPCs can use risk analysis, without data entry
 - Fire departments and regulatory agencies can prioritize inspections
 - It's FREE! -funded by Department of Homeland Security
- Website: www.erplan.net



EPCRA Region 4 Contacts

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